

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATHAMBO CHIBAMBO,
Plaintiff,
v.
LAKESIDE SCHOOL,
Defendant.

CASE NO. C04-2111L

ORDER STRIKING DEFENDANT'S "OBJECTIONS" TO INITIAL DISCLOSURES

This matter comes before the Court on “Defendant’s Objections to Initial Disclosures and Joint Status Report and Discovery Plan.” Dkt. # 14. Defendant objects to having to make any disclosures while its motion to dismiss is pending because, if the motion is successful, initial disclosures and the presentation of a discovery plan will be unnecessary.

Pursuant to the Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. # 9), the parties must conduct a conference under Fed. R. Civ. P. 26(f) by June 7th, exchange initial disclosures by June 14th, and file their joint status report by June 21, 2005. Rather than file a motion or attempt to reach an agreement with plaintiff regarding these dates, defendant filed “objections” to the Court’s scheduling order.

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1 These objections are not noted on the Court's calendar for consideration and have no effect.
2 The objections are, therefore, STRICKEN and no further action will be taken regarding
3 them. In addition, the purpose of the initial disclosure requirements is to expedite the
4 discovery process. Despite defendant's confidence that its recently-filed motion to dismiss
5 will be granted, plaintiff is entitled to the discovery described in Fed. R. Civ. P. 26(a).
6 Unlike litigation under the Private Securities Litigation Reform Act, the rules that apply to
7 this litigation do not contain a provision staying the initial disclosures should a party file a
8 motion for judgment on the pleadings. Defendant has not met its burden under Fed. R. Civ.
9 P. 26(c) of showing that it conferred with plaintiff to resolve this discovery dispute without
10 Court action or that it is entitled to a protective order prohibiting all discovery in this case.

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12 For all of the foregoing reasons, defendant's objections to the Court's
13 scheduling order (Dkt. # 14) are STRICKEN. Absent an agreement between the parties,
14 initial disclosures shall be made as soon as possible following this Order: the joint status
15 report shall be filed as scheduled on June 21st.

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17 DATED this 13th day of June, 2005.

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19 Robert S. Lasnik
20 United States District Judge

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